

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
ANTONIO FERRI,

MEMORANDUM AND ORDER

Plaintiff,  
-against-

CV 09-182  
(Wexler, J.)

JAN M. BERKOWITZ, EDWARD GRIECO,  
EDWARD WILSON, and JMB GROUP, LLC.

Defendants.

JAN M. BERKOWITZ and JMB GROUP,  
LLC.,

Third Party Plaintiffs,

-against-

MATTEO PATISSO, LIQUID BRICK, INC.,  
and NATIONAL FRAUD CONSTABLE,

Third Party Defendants.

-----X  
APPEARANCES:

BRUCE H. KAPLAN, ESQ.  
Attorney for Plaintiff  
35 Pinelawn Road, S104E  
Melville, New York 11747

LAW OFFICES OF BRUCE E. BALDINGER, LLC.  
BY: BRUCE BALDINGER, ESQ.  
Attorneys for Defendants Jan Berkowitz and JMB Group, LLC  
365 South Street, Morristown, NJ 07960

Matteo Patisso  
Third Party Defendant, Pro Se  
57 A Hillwood Drive  
Huntington Station, NY 11746

WEXLER, District Judge

This is an action that, as originally stated, set forth state law claims for fraud and breach of agreement as well as federal claims brought pursuant to the Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. § 1962 ("RICO"). This court has previously dismissed all claims against Defendant Edward Wilson for lack of personal jurisdiction. Additionally, the court dismissed all claims against all Defendants that were alleged pursuant to RICO, for failure to state a claim. A motion to reconsider that decision was similarly denied.


Presently before the court is a Report and Recommendation ("R&R") of the assigned Magistrate Judge, Arlene R. Lindsay. The R&R recommends that the Third Party Defendant's answer be stricken and that Defendant/Third Party Plaintiffs be given leave to thereafter apply for a judgment of default.

The R&R is dated January 31, 2011, and was filed on the Court's ECF system as of that date. Despite this court's granting of additional time in which to do so, the time to file objections has passed. Accordingly, the R&R is hereby adopted. See 28 U.S.C. §636 (b)(1)(c); Fed. R. Civ. P. 72.

#### CONCLUSION

The R&R dated January 31, 2011 is hereby adopted. An appropriate judgment of default may be submitted to this court.

SO ORDERED.

  
LEONARD D. WEXLER  
UNITED STATES DISTRICT JUDGE

Dated: Central Islip, New York  
May 10, 2011